

**ICANN**

**Moderator: Brenda Brewer  
February 23, 2016  
12:00 am CT**

Leon Sanchez: Thank you very much, everyone. And welcome to the CCWG on Enhancing ICANN's Accountability Meeting Number 85 on February the 23rd at 6 UTC. And as usual we will be doing the roll call based on those who are attending the Adobe Connect room. But we would also like to call for anyone that is not in the Adobe Connect room to please state your name at this point so we can add you to the roll call. Is there anyone in the phone bridge that is not in Adobe Connect room at this point?

Seun Ojedeji: Yeah, this is Seun. I'll be on audio only. Thank you.

Leon Sanchez: Thank you very much. That was Seun Ojedeji so could we please add him to the roll call? Anyone else besides Seun? I know that Olga Cavalli is requiring a dial out so staff, can we please make sure that Olga gets a dial out? Okay so no one else on the phone bridge.

So this of course a reminder, our usual reminder to update your statement of interest or file your statement of interest if you haven't done so. Please feel free to reach any staff member if you need any help or if you need to create your wiki account so you can update your statement of interest.

And as you know, we were scheduled to publish our final report but we sent a note to the group explaining the reasons why we postponed this publication. And the purpose of the call today is to actually have a discussion on the way forward to the situation that we are going through and through the very fruitful discussion that has been happening in that mailing list.

But to do this I would like to call for all to please take a step back and see the larger picture, the big picture in this scene. We are really close to finalizing the report. And if someone has put it, we are 0.001% from reaching our goal. So let's take a step back. Let's just not take sides on who said what or at what time anyone said it but just focus on the problem that we have in front of us. And let's all act in good faith and try to move forward and deliver our final report so we can successfully deliver what we are obliged to do.

So with no further delay I would like to turn to my co-chair, Thomas. And I would also like to remind everyone to please it your microphone if you are not speaking. We have a natural on the audio at this point. So, Thomas, you have the floor.

Thomas Rickert: Thank you very much, Leon. And good morning, good afternoon and good evening to all of you. For some of you it's a difficult time of the day or night, very early in my time zone and I didn't have sufficient coffee to be fully operational so please bear with me. Additionally, I'm in a hotel room where the connection is very flaky so I hope that I'm not being kicked out of the remote participation room. I might need to change locations if need be.

Leon has made a very good introduction. And I would like to add to that by responding to some of the points that have been made on the mailing list in the last couple of days. Let's just remember that we do have a consensus

proposal. We have a proposal that we were about to ship. And we have not shipped the proposal on the 19th because we as co-chairs felt that it was important for us to check with the group how the group wishes to proceed. Because there are implications to this that I will speak to in a moment that are potentially quite far-reaching.

So the way we've planned to have this discussion is that I will briefly update where we are in terms of process, we will then give Becky the opportunity to explain what we have in our report because the process that there seems to be some confusion about what actually the substance of our report is, what the thresholds are, what the scenarios are and we need to make sure that everyone is perfectly clear on what we are talking about.

And then in the third step we are going to discuss potential ways forward. And as I wrote in my latest note to the group, we are not pre-determining the outcome of any of these discussions but we should all be clear about the potential consequences and weigh our options.

For this discussion the change of arguments has been very engaged and quite heated at times, let us, as Leon said, please step back, let's look at the procedural aspect, look at the substantive aspect of this discussion. Let's try not to rehearse arguments that have been made before. We would use the two minute rule and the two interventions per speaker rule that we use previously. So if you wish to support statements that have been made earlier rather than repeating what's been said just indicate that you're in support or in disagreement with that so that we can save time and focus on an outcome.

And talking about outcomes we would really like end this call with guidance from the group as to what needs and should be done.

Now again, we had planned to send our report on the 19th, which we haven't done. There were several interventions from within and outside our group. And you will remember that it was always our goal to get the highest possible level of support for our proposal. And we have looked at the report and assessed suggestions that have been made. And this was an iterative process that led us to a very high quality proposal that we have today.

So if you look at the interventions that we (unintelligible) the implications are far broader than just send the report to the chartering organizations. Also, the interventions that we got might have broader implications than other minority statements would have. And we thought we need to hear the group and give the group the opportunity to weigh in before we proceed.

So what are the issues at hand? Firstly, we have the intervention from the board. And the board, as you know, has passed a resolution whereby it can hold up passing on the report to NTIA if there is a 2/3 majority inside the board expressing global public interest concerns with our report.

We can only speculate whether the board would reach a 2/3 majority based on global public consideration. But at least there is the risk that this will be the case. And there is the risk that if the board reaches this threshold that handing over the proposal to NTIA on the handover date or the tentative date of March 10, will not be met because as you will know, this resolution foresees that in such cases the board will enter into a negotiation process with the CCWG.

So a delay beyond Marrakesh is possible. And therefore the group needs to decide whether or at least take into consideration that this is a potential consequence.

Also, there might be implications based on the government feedback. Several governments, as you know, have raised and voices concerns with the latest changes that have been made to the proposal. And we want to be as inclusive as can be so there might be broader political implications if the government concerns are not adequately discussed and potentially being taken into account.

So this is to explain to you why, you know, we didn't make an easy decision to not ship the report on the 19th but we wanted to get feedback from the group on the way forward. And before we discuss ways forward, let's try to get clarity on what we have in the report because actually there are only two scenarios that are in question today with respect to the carve out and the further clarification to the carve out. And those are cases where the community has not, one, an IRP against the board decision; and where an IRP is not applicable.

But as you know, there is no one better placed in our group to explain all the niceties of the carve out and associated question so I would like to hand over to Becky to enlighten us further.

Becky Burr: Thank you, Thomas. Okay so what I'm just going to go through is I think we're going to have a slide come up. It is just the language that is in the report right now. As you will recall, we agreed that - to deal with situations where the GAC has issued consensus advice, which has a special status in the ICANN world and requires the board to work in good faith to find an acceptable solution to implementation of that advice.

But in those cases where the community was discussing considering exercising one of the community powers to challenge the board's implementation of that GAC advice, that the GAC would be welcome to

participate in an ongoing advisory consultative role but would not be permitted to act as a decision maker in those cases where the board implementation is - the board's - the action to be challenged is implementation of GAC advice.

Because we have had and articulated a non-unanimity principle in that case we noted that the power to - that the thresholds would be lowered from four to three in those situations then as you'll recall, we agreed that it was incumbent upon the board to articulate that it was asking on the basis of GAC advice and that there would be obligations on the community to articulate that its challenge was to - was implementation of GAC advice, etcetera.

The board responded to that saying that there should - that that they believe that they had concerns about lowering the thresholds from four to three and that they would agree to that lowering if an IRP was pursued prior to - and this is with respect to recall here so we are talking about a situation where the GAC has - where the board has implemented GAC advice the community is challenging that implementation. The challenge involves use of the recall power.

And the board basically said we would only support moving the threshold from four to three if the community has first sought an IRP and the community has won the IRP which of course would mean that there was a finding that the board acted inconsistently with the ICANN bylaws or articles of incorporation. And in that case and in that case only they would support going to three.

In our discussions we agreed that if an IRP was available, which means if the grounds for challenging the board's implementation of GAC advice, was that

in so doing ICANN had violated its bylaws then in that case the community would first bring an IRP before it exercised the recall power.

Now we also understood and acknowledged that an IRP is not available in all cases. And by that I mean if the community decided that it disagreed with the board's implementation of GAC advice, on grounds other than - that the implementation violates the bylaws, and in those cases the discussion, which took place on the list and in the call on the 16th, we concluded at that time that we - because the board recall power was important that you couldn't essentially - it would be a violation of the non-unanimity principle to make that - to require unanimity where no IRP is available meaning where the challenge does not - is not to implementation because it violates the bylaws.

Now I just want to be sure that - so what we basically say in this language is where there's a challenge to the board's implementation of GAC advice that involves recall, the threshold for recalling the board would move from four to three if an IRP has found that in implementing GAC advice the board violated the bylaws or articles of incorporation or if there is no IRP available to challenge the board action in question.

And so this basically says you first start with an IRP wherever that's available but if it is not available because of what the community is concerned about does not constitute a bylaw violation then you still get the reduction.

We went further and said we recognize that IRPs are binding and that means that they are binding on the board and on the other party. And so if the community has brought an IRP and does not prevail, so the IRP says no, sorry, we disagree there was no bylaws violation, then recall is not available solely on the basis of the matter decided by the IRP and that is you can't recall

the board on the grounds that they violated the bylaws if an IRP said it's no, in fact the board didn't violate the bylaws.

But again, to preserve the recall power, and consistent with the non-unanimity principle, we did go on to say that the community may exercise that recall power on other grounds. Now I want to - so the effect is here basically and of course there are implementation details to be worked out. But the effect here is to say in the ordinary course if an IRP - if there is a ground that says that the board's implementation of GAC advice is a bylaws violation, that is the community should pursue that first. But if no IRP is available then the community can still proceed with the lower threshold.

We have all spent quite a lot of time trying to come up with a situation where an IRP would not be available to challenge a board action in question. And I think that we agree that it is possible but highly unlikely. So we are really talking about a corner case where the normal process would not be to bring an IRP first. I think that is consistent - the notion that you would bring an IRP first wherever possible is consistent with reality as well; recall is appropriate for, you know, when there is wide community, you know, where a vote of no confidence would otherwise be appropriate, for example.

And that usually is not going to arrive in response to a, you know, sort of a single incident of the board's implementation of GAC - or a single incidence of the board's implementation of GAC advice. The community is sufficiently diverse, that one would expect and hope that that is a less disruptive alternative would be sensible. And also where it's also most likely to be effective more than a straight recall is.

So what - that's what we have here is we have said - we have agreed with the board that wherever possible an IRP should be pursued first and if the grounds

are for an IRP are there but the community hasn't invoked that power then the threshold remains at four. But we have also preserved the ability of the community to invoke without requiring unanimity, to recall the board without requiring unanimity in those limited and, you know, probably largely conceptual but certainly not non-existent situations where an IRP - where the grounds simply do not support an IRP challenge.

Thomas Rickert: Thank you very much, Becky. There have been a few questions in the chat. I'm not sure whether you've been able to follow those. But I guess one question was from - let me just go find it. My chart here I think it was - oh Phil was asking for the scenario covering Item Number 2.

Becky Burr: Well I think we have really - we have really struggled with a scenario. And I think we discovered when we were putting this together that, you know, that it's probably not a good idea to try to use examples from history to determine this. But what we are talking about is the GAC - the GAC has given advice, the ICANN Board has implemented it.

The community wants to challenge that the board's implementation and indeed the community is either, you know, either board recall is the only method it has and board recall would be the only method it has to do that because the community's objection to the implementation does not involve a claim that the - in implementing the board's - or the GAC's advice, the board acted in violation of its bylaws.

I really - I mean, I can't think of a place where it comes up - I mean, remember that there is no requirement that you - there's no set requirement for a particular reason, the community has to articulate its reason for wanting to recall the board. But under the arrangement we have in place it doesn't - it can be that we just don't like what you did. It doesn't amount to a bylaw but we

just happen to think that it does not amount to a bylaws violation but we are broadly - we meaning the community - broadly - and here you would be talking about three of the four - decisional participants in this matter - think that it is worth spilling the board for.

Thomas Rickert: Thanks, Becky. Can you just explicitly respond to Mike Chartier's question, "What is the threshold for the last two sentences - IRP fails. The language does not seem clear."

Becky Burr: If the IRP - oh if the IRP fails and then the community could use the - it could bring another grounds, that is not you violated the bylaws. It would be we just don't like this so much that we are going to - that we are going to recall you over it. And the threshold there, because in that situation an IRP would not be available on those grounds, and would not be available, then the threshold would be three.

Thomas Rickert: Thanks very much, Becky. Are there more questions for clarification on what the report currently says?

Kavouss Arasteh: Yes, I have question.

Thomas Rickert: So...

Kavouss Arasteh: Little...

Thomas Rickert: Yes, Kavouss please.

Kavouss Arasteh: Yes, good morning, good time to everybody. First of all the difference between what are our distinguished colleague, Becky, in 22 minutes and what is in the text entirely two different things. One.

Two, I don't understand what does it mean if IRP is available. What does it mean is available? This is not a legal and textual language. If I could say is IRP is invoked and the result of that is successful we do this. If IRP invoked and result of that is not successful is that. So we should (unintelligible) the board invoking IRP and the result favorable or successful. And then I am too much puzzled about the last statement that (unintelligible) just invoke - I want to recall the board because I don't like it.

This is not what we do in ICANN, that the community says I don't like it. Do you think that the governments getting together in Marrakesh with the high level meeting accept such a irrational and such unilateral statement by somebody "I don't like it" and you want to reduce the threshold for the change because somebody just say that I don't like what we do. Then I want to take you out, I want to recall you. This is not correct. We do not agree, Thomas, (unintelligible) if you push us to agree with that we could not convince our government saying that the board has been recalled because somebody says I don't like this.

There should be grounds and the only grounds they acting in violation of the bylaw, the article of incorporation, nothing else. There should not be any other (unintelligible) that I don't like this. Please can we - in no case agree with this text. Thank you.

Thomas Rickert: Kavouss, thank you for that. Let me just clarify that at this point I'm asking for clarifying questions so that everyone understands what we currently have in our report. I would like to ask you to lower your hand if you want to comment on potential ways forward because before we have that discussion we would like Steve to present the two options in front of us so that everyone is clear. And, Kavouss, just to maybe help clarify a misunderstanding, it has

always been part of our recommendations to give the empowered community the right to have a non-confidence vote to dismiss the board. So there is no particular reason needed for the board recall process.

I see that Milton and Roelof hands are raised. I think Milton was first, I can't see that on my device. So, Milton, let's hear you.

Milton Mueller: I actually think Roelof was first at least he is on the participants list so if he wants to go first I'll let him.

Thomas Rickert: Milton, just go ahead then we go to Roelof.

Milton Mueller: Okay. So this is (unintelligible) point of clarification. My understanding does deviate a bit from what Becky said in answer to Mike's question. So I thought the point of this change threshold was that the issue was about following or implementing GAC advice that we didn't want the GAC to be part of the empowered community in that specific - in that case only.

Now my thought was that in cases here that are numbered 1 and 2, then the threshold would go down to three. But that if we had brought an IRP and did not prevail we would have to bring the IRP on other grounds, i.e. nothing to do with the GAC, it would just be a general sense of anger, let's say, at the board. And in that case the threshold would go back up to four. And would someone tell me whether that's wrong? And if it is wrong, maybe that might represent some kind of a compromise.

Thomas Rickert: Becky, would you like to answer that?

Becky Burr: So, I mean, first of all let me just say I do not have a problem with that approach at all, Milton. And, you know, so all I want to say is that what this

(unintelligible) is invoke it to, you know, fully empower the recall power and respect the non-unanimity principle. You can only bring an IRP - the only thing an IRP can be based on is a violation of the bylaws. So an IRP is never available if the reason that the community is challenging action is that the - that the bylaws have been violated.

So if the community brings an IRP and loses, which is to say the IRP finds that there is no board - no bylaws violation, I'm not sure how you would bring another IRP. And then in that case, if we want to respect the non-unanimity principle, and the community still feels strongly enough that it wants to recall the board, then you need to lower the threshold.

If, on the other hand, you want to say well if the community tries on the basis of an IRP challenge and loses then you need to go to four. I don't have a problem with that at all, it's just adjusting the non-unanimity provision.

Thomas Rickert: Thanks, Becky. Roelof.

Roelof Meijer: Thank you, Thomas. Roelof Meijer for the record. Yeah, well I think it's a question and not starting the discussion, Thomas, I'll do my best. It's just that I don't understand it. And as long as I don't understand it I don't think I can actually run a good discussion.

(Unintelligible) close to and then the next paragraph that starts with, "If the empowered community has brought such an IRP and does not prevail," can be the same thing because in both cases it will be clear that we are not talking about GAC advice that will be inconsistent with the ICANN bylaws. But in (unintelligible) two somehow this is concluded before an IRP is even started. And in the subsequent part, this is only concluded after an IRP is run.

And I don't understand two things way differently. I understand the first sentence that if there is an IRP and the advice is in violation of the ICANN bylaws or inconsistent with the ICANN bylaws, that we lower the threshold. But what I do not understand is in a less serious situation where there is no violation of ICANN bylaws or where a violation of ICANN bylaws is not true by an IRP, there is this - one of the two situations where we still lower the threshold.

So, Becky, can you explain to me what the clear and distinct difference between clause 2 and the subsequent part? And why...

((Crosstalk))

Becky Burr: So I think that...

Thomas Rickert: Becky.

Becky Burr: I think that's - I think that is - you have hit one something here, Roelof. And it is something that Jordan has noted that we've got a clash of principles going on here that can be addressed in a couple of different ways. But the point is that if an IRP - if an IRP is not available that is to say if the grounds are not - are other than the board has violated the bylaws then, yes, the threshold goes down. If the grounds are...

((Crosstalk))

Thomas Rickert: Becky.

Becky Burr: ...almost certainly will be that the board has violated the bylaws then you first must bring an IRP. It introduces an extra step.

Roelof Meijer: Yes, still. But if (unintelligible) if the IRP is not available because there is no violation of ICANN bylaws it is the same situation where an IRP was run but it does not prevail because that means that the conclusion of the IRP is that there was no violation of the ICANN bylaws.

The only difference is that in the first situation you know (unintelligible) somehow and in the second situation you only find out after the IRP does not prevail. But in the end in both situations the conclusion is there is no violation of ICANN bylaws.

Becky Burr: I think that...

Roelof Meijer: Or am I wrong?

Becky Burr: I think that's correct, Roelof. I mean, but just to be clear, the community has to state a reason for recalling the board. Now that reason can be we are just so sick and tired and fed with all of those things that are going on that we are - that we are recalling you. But clearly whether that is - that threshold is ever going to be reached because of one implementation of GAC advice. Frankly, clearly whether that threshold is ever going to be reached at all.

Thomas Rickert: Thanks very much Becky.

((Crosstalk))

Thomas Rickert: Roelof. You had another follow up question?

Roelof Meijer: Yeah, it just seems to me that - well, yeah, is there not the risk now that this can be placed? Because if you are not sure - if the two SOs are not sure that

the GAC advice will violate ICANN bylaws, the better from the beginning state that they think it does not so not use that ground but use grounds that make the IRP unavailable because then the threshold will be lower. And I don't wish that the IRP doesn't prevail.

So it would be silly to use the argument that this advice is in violation of ICANN bylaws because you risk then losing the IRP and not being able to send off the board so you better say something else then you get the lower threshold because the IRP is not available and the chances of sending off the board are bigger.

Thomas Rickert: Okay. Thanks, Roelof. I think we should not make this a discussion between you and Becky. Becky has confirmed in the chat that there is the risk of such game playing. I would really like to limit this discussion to asking clarifying questions at this stage. We will go to the option and ways forward momentarily.

I think next in line was Kavouss who has actually raised two hands at the moment. Yet you're only getting one speaking spot, Kavouss. Here you go.

Kavouss Arasteh: Certainly, I was disconnected so I reconnect, perhaps that is the cause of that. I don't raise two hands. Look, the wording is not clear and the sequence is not clear. In my view, if the community believes that ICANN acted in violation of the bylaw or violation of article of incorporation, IRP can be invoked and we could have three SO AC in favor and one objection, that is first.

Second if IRP cannot be invoked I don't like available - cannot be invoked, i.e. ICANN acted in accordance with the bylaw and article of incorporation but still the community wants to recall the board because of lack of confidence as you mentioned, in that case we need four SO and AC in favor.

The language should be clear and the sequence should be clear and the scope of (unintelligible) be clear. I agree with you that at any time community may want to recall the board on the non-confidence. We should mention non-confidence ground but not I don't like you. This is not a good term. On the non-confidence ground then in that case IRP cannot be invoked because (unintelligible) community cannot raise the issue that ICANN acted in violation.

But we want to remove the board, in that case you have to have the full four SO and AC. This is something the language needs to be corrected, the sequence needs to be corrected and the scope of clarification by cross reference violation of the bylaw and article incorporation. And then if this has been done if still community wants to recall the board on grounds of non-confidence we could clearly mention non-confidence in that case it would be (unintelligible) and they need to have four SO or AC in favor. Thank you.

Thomas Rickert: Thanks very much, Kavouss. I think Olga was first and then Jordan. And if I got this wrong I do apologize because, again, my application doesn't show the hands raised in the order that they were actually raised.

Olga Cavalli: Hello, can you hear me?

Thomas Rickert: Olga, yes we can hear you.

Olga Cavalli: It's Jordan first in the screen so if Jordan wants to go first that's okay for me.

Thomas Rickert: Olga, just keep the microphone and we go to Jordan then.

Olga Cavalli: Okay fantastic. Okay in general my comment I have the same doubts that Roelof expressed one second ago so I won't repeat that. And I think that the test, as it is, at least for me it's confusing. And it should be clear especially for us in the GAC that we have to go back to the GAC and to our governments to explain this to our administrations and to give explanations and perhaps support or not support to this. But I have the same concerns that Roelof expressed especially when there is no violation of the bylaws what may happen and what happens with the threshold and the carve out.

So I will stop here. It is honestly I've been following the list over the weekend and it's difficult for me to think about the scenarios and how can I explain this to my administration. So I would suggest that a clearer way to explain to those of us that are in the call and the group and outside the group could be very much useful. Thank you.

Thomas Rickert: Thanks very much, Olga. Jordan.

Jordan Carter: Thanks Thomas. Jordan Carter here, dotNZ. And just a couple of comments. The first is that it's important to remember where this paragraph is in Recommendation 2. Recommendation 2, the Annex 2, sets out the process for enforcement of these community powers. Then it goes into enforcement section and then it goes into the table of support or minimal opposition, objection required to exercise any of the community powers.

And then after it sets all of those out it has another paragraph that says we're contemplating five decisional (unintelligible). And then it goes into this paragraph 72. So the first thing I think we need to be really clear about is you could read that as saying that this lowers the threefold from four to three for all of the powers that are listed as having four where it relates to this GAC

advice carve out. So that would be the budget, and strategic plan powers, the IANA functions separation power and the board recall power.

And then the second point is that with the bullet point of section 72, paragraph 72, it's really clear to me that there are only two situations where the threshold would be three according to this report. That's where an IRP is found that in implementing GAC advice (unintelligible) so when an independent group is (unintelligible) and said board, you broke the rules, then there's this lower threshold on board recall of three.

And the other one is if the IRP is not available to challenge the board action in question. And we're all having trouble thinking of scenarios. Again, it would be three, otherwise it would be four. And that's as it should be because if there's a general dissatisfaction with the board that the community has lost confidence in the board, the GAC will be a decisional participant and the threshold should be four as the five decisional participants.

So the things I think we need to be really clear about are whether the first part of the paragraph applies to all four - all three powers that have a threshold of four. I think the way it's written it does. And the second point is the only difference - everyone seems to be okay with the idea that if the IRP finds against the board you lower the threshold. Everyone seems to be - the differences on this thing if the IRP is not available so I think everyone thinks if the IRP finds in favor of the board then the threshold should go back up to four, the (unintelligible).

Now I just want to say again on the voice for the transcript, this is such a vanishingly small possibility that no one should die in the ditch over it. You know, we should go whatever route out of this gets us out of this most quickly and gets the report published. So I'm sitting here at an Apricot technology

summit with the whole Asia Pac region and the feedback I'm getting is why have you guys not finished? Get on with it. We don't have another two weeks to muck around with this.

So that's why my vague preference is just ship the report as it is. I don't believe anyone would die in the ditch over it. Otherwise get rid of Number 2 which because we can't think of when it would be used. Anyway sorry, I've gone well beyond clarifying questions.

Thomas Rickert: Thanks so much, Jordan. I suggest that we give Becky the opportunity to briefly respond to Cherine Chalaby's question in the chat. And then let's move to the hopefully constructive part after we've now all understood where we are and after we've all identified that there is need for further clarification because we are - it took us almost an hour to sort out the clarifying question. Let's move to that part momentarily.

Becky, can you respond to Cherine's question which is "What is the incentive of using the IRP route when it is much easier to say I don't like what the board did and just recall the board with the threshold of three?"

Becky Burr: Well, I mean, I don't think I - I don't think that - I think that that - that the notion that recalling the board is easy under any circumstances is just - it's not - I just don't think that you will get three SOs or AC combination to agree realistically that we're going to recall the board and disrupt the organization because we don't like them. And that's - there is a broad loss of confidence in which case we would not be talking about implementation of GAC advice and the carve out wouldn't apply in the first place.

But again, you know, I think Jordan's - I think Jordan's right. I mean, we are talking about how many angels are dancing on the head and questions about,

you know, whether this power is easy to use strike me as, you know, I don't think it's easy to use. I don't think it will ever be easy to use the thresholds because of the diversity of the community recalling the board over a single incident in - is in any case highly unlikely.

Thomas Rickert: Thanks very much, Becky. And as I had indicated earlier, we will now hear Steve DelBianco to outline two ways forward for us so that everyone is clear. Those that want to speak on substance can surely comment once we will open the queue for comments then. But I think we, you know, we are now conflating the clarifying questions with ways out and in order to have that discussion we think it's better to understand first what our options are.

Let me preface this by saying that we do have a consensus proposal. So let's not misunderstand this discussion as entirely reopening the issue or even going back further than the only to this very question. So should we not be able to reach consensus on an alternative route to what we have in our report we will have to stick to what we have in our report.

So, Steve, could you please present the potential ways forward to us and the consequences thereof.

Steve DelBianco: Sure, Thomas. This is Steve DelBianco. And the co-chairs asked me to try to frame two potential paths forward, we'll call them the easy way and the hard way. I first suggested since Dublin our community power to spill this board has been based on four ACs and SOs in support and no more than one objection and that was anticipating, as we did in Dublin, of having up to five ACs and SOs participate.

Please understand, everyone, that that has not changed. We are still as a community able to exercise a vote of no confidence for any reason we want. It

can be based on a pattern or practice over time regarding how the board has interpreted the bylaws, top down mandates or dictates from the board or maybe even implementation of GAC advice that was opposed by the community.

We can still bring that vote of no confidence. What we have in front of you on 2 in red is - well it's a corner case. It's a corner case that Becky added to help capture a situation where we are challenging the board's implementation of GAC consensus advice and we are challenging with an IRP and when we do challenge it with an IRP it lays out the potential cases - the places you can go depending on whether that IRP is successful or is the IRP denied because it's unavailable for the question that we have. It's a hypothetical corner case.

And by that I mean it's a place in the room that we don't often go. We work and play in the middle of the room, we might look at what's on the walls but we don't often go to the corners. So what we mean by a corner case is a potential but not very, not very practical and not even an identifiable situation that we may have to go to. Now I understand that the board's concern about what is up there on the screen Number 2 in red isn't really about the GAC or Stress Test 18. It's really about allowing us the community to fill a board with just three instead of four a season (unintelligible).

Bruce Tonkin mentioned about our 16th February call and then Steve Crocker put in his 19th on February email.

So I joined many people on this call and over the weekend who are disappointed that the board had singled out such a small corner case as rationale to threaten affirm of objections to our entire proposal. I'm disappointed in that.

And I'm disappointed if we the CCWG if we make this small corner case something we want to die in the ditch over

And the arguments I watched over this weekend were about the principles of the board stepping up and saying they would oppose it and for just these 13 words. And I didn't see as much about whether the communities worried about losing the power of our ability to fill the board because we still have that.

So I would propose to you an easy way and a hard way.

The easy way to get through this is to stay out of the corner case and remove 2 in red from Annex 2 because in reality we can still take a vote of no-confidence and work that through the regular procedure of having four ACs and support.

And even if it were about a pattern of dealing with the GAC the GAC would not be able to veto. Remember the power would be designed is that the GAC could not veto our effort to fill the board over a pattern of practice of how they've acted. They can't do that. It takes more than one to object.

This is the same way it's been since before we invented the carve out for the particular corner cases of challenging the board's implementation of GAC consensus advice with an IRP or a bylaws of rejection.

So on that easy way it's hard to tell from reading emails over the weekend but the board seems to have indicated there are ready to approve our approval with no further issues from the board and forward it to NCIA with corner case 2. The red letters on the screen or dropped.

I think Steve Crocker and Cherine are on the phone right now. Let me ask them to confirm in the chat in writing that the board would approve the proposal with no further issues and that would be helpful.

While they're working on that I'll quickly wrap up and tell you what I think the hard way it would be. And to do that I would ask staff to put up a piece of our charter.

The hard way for us is to leave Item 2 the red text in our proposal and well let's test the boards resolve and see whether they will as they suggested over the weekend. Will they reject our proposal over this corner case?

Because if they did our charter lays out a rather well, a complicated process under which we in the CCWG and all the chartering orgs we represent will enter consultation with the board.

There's a 30 day window on Item 4. There's a back and forth and a dialogue with rationale that we go through. I hope you have scroll control because you'll need to scroll longer to see the bottom of this process and where it gets us.

It takes us into further negotiations with the board. It doesn't automatically override the board's rejection if in fact the board did so.

So there's more work to do but the hard way. It's not a simple way forward as Jordan sort of represented earlier on the call. It might be a simple way to get off this phone call tonight but it's not a simple way to finish our proposal.

So that leaves three open questions there well under the hard way right? Weill the board reject the 2/3? Could we as the CCWG persevere and override that?

Would delay that's introduced and it's several weeks of delay, would that push beyond the 30th of September in terms of the transition?

Okay none of us know the answer to those questions. Let's not even try to answer them.

The only question we can answer on this call tonight is whether we think the corner case on those 13 words in red is really worth the risk and cost of extending this process further. That's the question before us, easy way or the hard way.

And (Grace) if you put those text for a Paragraph 72 back up that'll help the folks to the discussion and back to you Thomas.

Thomas Rickert: Thanks very much Steve.

So again we have two options that we deem to be viable at this stage.

One is to leave the report at us it is at the risk of having the board reject our proposal and forcing us into the consultation phase or we leave what's been highlighted in red in the remote participation room in front of you.

So let's hear some views on that.

I think from Kavouss that's an old hand. So let's move to Milton, Bruce and then we hear Ed Morris and Mike.

Milton Mueller: Yes. So thank you Steve for trying to make this easier. However I don't think you succeeded.

I think the mere fact that this - I think it's a mischaracterization to say that Number 2 is a corner case, will never happen.

And let me explain why, you know, you would use the IRP instead of Number 2.

And I think in most cases that any challenge of GAC advice would probably go for Number 1 over Number 2. Because with Number 2 your only option is to fill the board.

And with Number 1 what you're really interested in if you're just - if you're upset about the way the board is following GAC advice what you're interested in is having them not implement that advice.

So most of us would be interested in getting a precedent set that says no when the GAC tells the board to do this. That is outside the scope of its mission or it violates the bylaws.

Very few people would have a rational interest in spilling the board over a specific option. It just it, you know, you don't get any guarantees of better behavior going forward.

It's only if there was a general pattern of the board doing things with the GAC that looks like the entire board needs to replace that you would not use the IRP.

And I think as (Becky) and others have said I don't see how people would do that lightly.

So it's not that it's a corner case. In other words it's not some freaky or unusual thing. It seems to be me to be a very important potential check or balance to have in the hands of the empowered community but it would rarely be used. We hope it would never need to be used. But I don't see why you wouldn't want to have the ability to do that.

Thomas Rickert: Thanks very much Milton. Bruce?

Bruce it's your turn.

Man: Going to need to...

Thomas Rickert: Bruce Tonkin we can't hear you.

Bruce Tonkin: You can't hear me?

Thomas Rickert: Now we can hear you. Go ahead.

Bruce Tonkin: All right, thank you. Not sure, my line must have been muted.

You know, firstly the board would support that proposal that Steve DelBianco has put forward which is removing the red text. So that was consistent with the proposal we made when we last spoke on the call last week.

But just a couple for the comments I guess on what Milton was saying.

I think certainly we don't want to create an incentive not to use IRP. And so if you have a situation where you're saying normally it requires the minimum of four supporting organizations and advisory committees to fill the whole board, you know, that's a principal and not a fault position.

And then we're saying well in the special advice, special situation of GAC advice we would allow three, firstly if there...

((Crosstalk))

Bruce Tonkin: And if it's against the bylaws or the mission then we should use IRP.

If we can't use the IRP we should just fill the board anyway with three SOs and ACs. I argue that the focus should be on using IRP for that individual case.

If it's as Milton says a broader pattern of behavior that power is still there. The power to remove the board with four SOs and ACs still remains in all of these cases. And then it's just a case of whether the GAC is prohibited from contributing to that. You know, that's obviously a decision that the CCWG has made.

But at the end of the day removing the board should have broad support. And if it's four if it's the GNSOs, the ccNSO, the ASO and ALAC which would be the four in this scenario they would look at the broad pattern of behavior of the board.

And if they figure that the board is, you know, following GAC advice too frequently or whatever that the board of concern is then the process is still available to them. It just has a threshold of four.

So I think the threshold of three should apply when an IRP finds that we have not complied with the bylaws on an individual case and the threshold of four applies to all other cases. I think it's simple for the community to understand.

Thomas Rickert: Thanks very much Bruce. Next is Alan.

Alan Greenberg: Thank you very much. I certainly support dropping Number 2. Steve gave one rationale. Roelof gave another that I think is even more powerful that Number 1 says you need four if the bylaws have not been violated.

Clearly if the IRP is not available the bylaws have not been violated. And therefore you should similarly require four.

I think Cherine's question is important. The one that was answered of why would we go to an IRP if we have another path?

We've already said from the very beginning we don't really expect the removal of the board to ever be exercised. It's the threat that you're going to try to and the disruption associated with it that is the real danger.

And if you're trying to force the board to do something that threat way well be affected even if it's never exercised.

So I think you - we do have to - we can't say it's a corner case of a corner case because we have vested interest in this organization who have strong will to do certain things.

And I think we must make sure that the overall community has a say and that it doesn't evolve to a very small number of people.

And lastly we always have the option of removing board members one by one. It's a painful slower process. But one could affect the same net result if one really if the community as a whole really has that desire. Thank you.

Thomas Rickert: Thanks very much Alan.

I would like to close the queue after Jordan so that everyone gets an opportunity to speak. Let's hear Mike now.

Mike Chartier: Thank you. And I am of the, you know, camp that it's a corner case, deliver what Steve said. But whatever we do we have to fix the language.

Half of our problem has been that the language is incorrect. It says in the first paragraph it will be three with the following exception which means you're going to tell them what the threshold is four and it doesn't say that.

And picking out the red language doesn't fix it either because the - it just leaves you again in the second paragraph with two cases where the reduced thresholds still apply.

So whatever we do we have to fix the language. And if we could just say in this situation it's three in and in this situation it's four it would be much better and eliminate more than half of the discussion that we've been having.

Thanks.

Thomas Rickert: Thanks very much Mike. And surely the language needs to be tidied. Now Ed?

Ed Morris: Yes hi. Thanks Thomas. In terms of substance I will just point out early (unintelligible) that if you remove two don't expect GNSO approval and support for a few of the recommendations. I can't speak for others but I can count they'll be some problems that way.

More importantly Steve you're right, there's an easy way out. There's always an easy way out. There are going to be easy ways out of the accountability rules we've set for the future.

To me the most important thing here is following our timetable, following our plan and showing the world that we as a community can control the excesses of the board.

Guys we were in a review phase seven hours before the 48 hour review was to expire. Steve came down with his post. This wasn't the time for it. There was - the time was earlier during the comment and review phase. The time was later during the GPI phase. This wasn't the time.

In the GNSO we have been struggling to figure out how to schedule our consideration of the CCWG. We have a few other things on the plate the next round review of the RPMs, and et cetera.

It's hard to fit this in our schedule. We finally did it and then bingo the board has spoken oh my God it was bad timing, it was disruptive. But more importantly it's the message were sending to the greater world about what this community is about.

I put in the post. I've spoken to some congressional folks. They're going to be listening to this call. And what they're asking is not four, three, five. It's whether this community will hold the board to the procedures, timetables and rules that we set for them.

We're asking the world to trust us to do so in the future so that ICANN has independence.

If we don't do it now how can the global community trust us to do it in the future? I say go the hard way because it's the right way. Thanks.

Thomas Rickert: Thanks very much Ed. Next in line is Cherine.

Cherine Chalaby: Yes can you hear me Thomas?

Thomas Rickert: Yes we can hear you.

Cherine Chalaby: Okay so I wanted to respond to Steve DelBianco's question very clearly. But I like to say just remind a chat that Bruce has put into the rule saying that the board has actually did follow the process.

So I want to go back to Steve DelBianco question where here's where the board is.

I think if we - if we're able to resolve this issue and the suggestion of removing that second line is red is a solution the community is willing to go forward with then I think the board would have no more concerns regarding the proposal.

We have a board information call tonight where we're going to go through all the recommendations. And as I can tell you that we are pretty much there and the only issue that is this one. So this issue is resolved I think we can all together move forward. And it would be a pity to throw off of the effort we've done collectively.

I think we're very close there and let's not move forward and get this done.  
Thank you.

Thomas Rickert: Thanks very much. Next is Roelof.

Roelof Meijer: Thank you Thomas, Roelof Meijer.

I don't agree with the suggestion that this is just a corner case. I think it's an error. In my clarifying questions I tried to make that conclusion clear to myself. And I'm convinced know that it's inconsistent with what we are actually trying to achieve here.

And I think - the basis is the corner cases. The problem now is that the risk of this clause, this part two being used or misused is much larger than the possibility that we end up in this corner case situation that they try to address.

So I'm very - I'm always very much in favor of easy solutions. I'm not very much in favor of easy way out. Because I think the easy solution in this case is just dropping those two and then we will still have what we had intended in the remaining text especially if we fixed it along with my suggestions.

Thank you.

Thomas Rickert: Thanks very much. Greg is next.

Greg Shatan: Thank you. This is Greg Shatan for the record.

I think it's important to stand on principle as listening to Ed. But I think the most important principle in the - that I want to stick with is the principle that this is a consensus driven organization.

And part of the consensus driven organization is moving from your position at the barricade to a position in the center and accepting something that's not quite like what you wanted but that essentially like what you wanted.

And I think it's not just the board that is close to accepting but having trouble with the language in front of us with the red language in there.

I can see value in both directions. I don't necessarily think either one is terrible. I don't think either one is necessarily all that easy.

This is a corner case in the sense that it's so unlikely that we will get here and there are so many ways to avoid getting here and still accomplishing the objectives that we may want to accomplish.

So I would encourage us to think of the principle consensus in the principle of finding areas of commonality. I think it would and not just bring some closure to this whole process. I think it would bring a number of different stakeholders into the process.

I am not one to die on the barricades for this one. I liked it with the red language in. I can live with it with the red language out.

Given that we have 12 recommendations which really span dozens of sub recommendations we have huge accomplishments here. We have lots of ways to enforce them including kicking off board members other than those we think will stick with us.

So I'm of a mind that we take the language out, we move on, we find ourselves in consensus, some of us feeling a little happier than others about the consensus but also feeling a little less happy about other parts.

So, you know, in the grand scheme of things if anyone were to walk in from the outside and look at us arguing in the middle of the night for many of us about this particular point they'll think we're insane.

So I can also plea for another principal on top of consensus which is sanity.

Thank you.

Thomas Rickert: Thank you very much Greg.

Next in line is Steve please.

Steve Crocker: You're referring to me Crocker?

Thomas Rickert: Yes please.

Steve Crocker: All right, thank you. So I apologize that I had lost control of my screen and couldn't chat properly at the right time.

A bit ago Steve DelBianco asked for question from the board as to whether we would be in agreement if that (word) were dropped and that it raised no further objections and the answer is yes. I can make a longer speech but I think it's important to be simple and clear.

We've put an awful lot of work into this is of course as we know everybody else has. We're not casual about this but we do appreciate the need to reach closure. And we're prefer to do that now.

Thomas Rickert: Okay thank you very much Steve.

Next is Paul.

Paul Rosenzweig: Hi. Good morning all.

So I've been listening very closely. And I've heard the board articulate only one justification for this section which has been repeated in the chat a couple times which is a lack of representativeness if only three out of four voting members voted to fill the board.

That strikes me as that as a make weight argument. If the three SOs or two SOs and ALAC were to vote to fill the board after due consideration and after all the process that Greg likely said would probably prevent us from ever getting there that would hardly be in unrepresentative action.

So it strikes me very clearly, definitely reads (unintelligible) that the board really objects (unintelligible) make the ability to fill the board completely more difficult and reduce the possibility.

I get why they want that. I get that they fear (unintelligible) with that threat. And I get that it should be a rare circumstance when we reach that point.

But that (misconcensure) of the power, power is not a value if we exercise it. Power is a value because the threat to exercise it controls the activity well before the threat ever needs to materialize.

By granting the board's request for training this year which is an easy case but another raise for easy cases caving in by granting that request now the community in the long run permanently decisively reduces its control over the board in ways that we cannot predict the outcome of.

It is the wrong decision. It is one I will object to in as many fora as I possibly can as loudly as I can for precisely that reason.

I would say that we had consensus well before this. But the only reason - I think the reason that we take the easy course now is because it's the easier course and that's the way to get there and reach the end that's the wrong answer for the community, wrong answer for ICANN, wrong I answer for transition.

Thomas Rickert: Thanks very much Paul. Next is Malcolm.

Malcolm Hutty: Thank you Thomas.

The first case here the idea that you go to the IRP first before filling the board seems to me this is the corner case. This is an idea that no one has ever no one has ever really suggested before the board came up with it just very recently.

The idea that the community might wish to fill the board after having successfully achieved a remedy in the IRP. Why would the community ever want to do that? That seems to be nonsense if the community goes to the IRP and gets satisfaction if it's had its (unintelligible). There's no need to fill the board then.

The time when the community would need to fill the board is only in the case of a number two where an IRP remedy is not available.

And that's - and people have been struggling to understand when that might happen. And of course it's, you know, and it (varies) it's a new idea but we would never want to fill the board.

But certainly in this context if the board were to be essentially further empowering the GAC then that might be a possible reason why GAC advice would have advised the Board to do something that the community was very upset with.

So for example, the example I gave from the list was if the Board said that it would only process new gTLD applications if there was no early warning objection from the government. And if there was an early warning objection from the government that would have to be lifted before it would continue (processing). That would effectively award each individual government with a veto over any new application.

Now the community could not challenge that under the IRP but would be able to say hold on, this is completely undermining the community driven policymaking process. And that would give - they would then have an ability to challenge that - to challenge the Board by saying no, the Board is not acting properly as the Board in this case and we would challenge it.

The question is if the community wishes to consider something like that, should the GAC as well as giving the GAC advice also take part as a decisional process (affront) in the decision as to whether to spill the Board for implementing that GAC advice?

And we have previously said no, that the GAC should choose between either having its special relationship with the Board in the position of GAC authority or to be part of the decisional process on spilling the Board. But it can't do both. It can't have - take part with both; the party that is recommending the decision to be made and the party deciding whether that should be (overridden). That is what we previously said.

If we take out two, we are simply reversing that position. All this is - this discussion we are having now is reopening the question of whether we should prevent the GAC from having two bites of the cherry. Removing the text in red is effectively reversing that decision. I think that would be unwise.

And I think that this is being made incredibly complicated completely unnecessarily just by those that wish to reverse that decision. I think the simplest thing to do to simply this report would be to drop the whole of the text, not drop two but drop the entire second half of this page; everything after the first half of this page. Because the first case is it has been trumped up by a Board is essentially (unintelligible).

But if that's not to be the case, I think we should go ahead with the entire text that it (actually it's drafted for) so that we continue to preserve the GAC (carved out position) that we agreed upon. Thank you.

Thomas Rickert: Thanks very much Malcolm. Jordan.

Jordan Carter: And thanks Thomas. Look. This is quite (intimidating finally in queue) to be speaking. And I just wanted to make a couple of points. One is that someone has to be the grownup here. And we have to get this project over the (lion). We're talking about removing something that we added (a couple of) weeks ago.

And I don't think it's an abuse of our process. I think it's improper. I don't think we should be doing it. But if the way we can get over the lion is to remove that (pipe to) we should do it. That's not going to hold things up for a week or two weeks or seven months or lead to seven million things being reopened.

And - or we keep it the way it is. I don't know what anyone else thinks but I just don't believe the ICANN Board is going to sink the transition because of this either way.

So I'll reiterate what I said a number of times. Don't care which way we go, don't mind if we're the group who's the bigger and the more like (unintelligible) ones. Step away from this issue and say have the fight if you want it. This isn't important enough to do it. But either way we have to resolve it tonight. And that's all I wanted to say.

Thomas Rickert: Thanks very much Jordan. And I see that there were hands raised after I had killed the queue so I would like to ask for your understanding that we don't reopen the queue. Kavouss had made a proposal in the chat, which I think everyone has read. So I would like to point your attention to that in response to Kavouss' request.

I think we now need to assess whether the proposal to remove the language in red gets traction inside the group. So I would like to ask as we usually do whether there is objection to making this tweak to the language, which we see on the screen in front of us.

So I would to - like the participants of this call -- members and participants I should say -- to use the red checkmark if they object to removing the language in red on the screen. So that is the option that has been presented by (Steve) as the easy way to remove what's in red and thereby meet the Board's concern and the concern that has been supported by others.

We saw that there are some on this call that have supported deleting the language in red. So that is the proposal that we're now discussing. So please use the red checkmark if you think that deleting red is not acceptable.

Can I ask staff to take note of the objections? So there are nine objections. Bernie, can you please read out the list of those that have opposed so that this is on record? And we should add (Bart Glisser) to that list because he mentioned in the chat that he would be against making the change.

Bernie Turcotte: Yes. So Brett Schaefer, Edward Morris, (unintelligible), James Gannon, Malcolm Huty, Milton Mueller, (unintelligible), Robin Gross, (Susan) (unintelligible), Tatiana Tropina. And that is it.

Thomas Rickert: Thanks very much. So Kavouss, it is sort of difficult. You keep raising your hand. So we've already moved forward. But if you keep it very, very brief, please do speak.

Kavouss Arasteh: Yes. Sorry. When you delete two you have to delete either in the second line because there only one case. And also you have to delete a typical one because is only one case can only be applied after so on so forth. But you deleting two. Just editorial. Totally editorial. Thank you.

Thomas Rickert: Thank you. Thanks Kavouss. But the - we have a significant number of objections so I think that this about editorial change does not alter the view of those that have expressed their objections. So let me just briefly pause here. There will be a few seconds of silence so just bear with me.

Cheryl Langdon-Orr: Thomas. (Including our) (unintelligible) in here.

Thomas Rickert: So this is Thomas. Let's reconvene. We would like to treat the two proposals that were on the table equally. So we will now proceed to ask for objections to shipping the report on an as is basis.

So can we use the - please do clear your status in the Adobe. And let us now ask for objections to shipping the report as it is.

Cheryl Langdon-Orr: Cheryl here. Just to be clear seeing as I have a (regular staff) and I want to make sure with that for the right reasons. Thomas, you are saying leaving Paragraph 2 in.

Thomas Rickert: That is correct.

Cheryl Langdon-Orr: Okay. All right. My objection to that is duly and appropriately noted.

Thomas Rickert: So can I ask...

Man: Hang on. Thomas, was this (unintelligible) this (case) repeatedly?

Thomas Rickert: Yes. We are now doing the same exercise for the second option we discussed earlier. So I'm now asking for objections to shipping the report as it is, i.e., the February 19 version.

Man: Including those two.

Thomas Rickert: Correct.

Woman: Thomas, we have...

Avri Doria: Hi. I fell off Adobe so is it possible after the checks are up for someone to speak for the team? Thanks.

Thomas Rickert: Thanks Avri.

Alan Greenberg: Thomas, we have people who are on the phone and not on Adobe. It would be fair to allow them to participate also since this is not a formal members vote.

Thomas Rickert: Yes. We would like to include those. I think Bernie we need your assistance in collecting the names. We also need to take a look at who actually objected. Particularly we need to take a look at the other stats on the audio. So who is on the audio only and who would like to object? Please do speak now.

James Gannon: Thomas, just for the record, sorry - it's James. And I think a couple of people is there - (unintelligible) not objection the previous - has nothing changed from the previous poll so just for accuracy I think that might be the procedural thing here as people may not have cleared the checkbox from the previous poll.

Thomas Rickert: So staff, can you do a quick check of whether we had checkmarks up from the previous poll?

Cheryl Langdon-Orr: Thomas, Cheryl here. While staff is doing that, there are questions in the chat and I think it makes this clearly articulated that this is a poll and any attendee to this meeting be a member or participant in this poll can exercise your opinion. It is not a member's only vote. So the answer they seek is they weren't sure whether they could be exercising their opinion, feel free to.

Thomas Rickert: Thanks for that clarification Cheryl. And nonetheless we will surely analyze where the objections came from.

Cheryl Langdon-Orr: Of course.

Thomas Rickert: So I get confirmation from staff that no vote stayed up from the previous poll. Let me ask who on the phone bridge would like to - would like to object too so that we can add them to the list?

Fadi: This is Fadi. Thomas, are you taking votes from members and non-members, anyone on the call?

Thomas Rickert: We're collecting the views from everyone on the call that we will analyze afterwards where the objections originate from.

Fadi: Very good. Okay. Thank you. So I'm (unintelligible).

Tarak Kamel: Yes. Thomas, this is Tarak Kamel. If I may also if it's allowed. But I'm on the bridge only and I object if it counts for you. Thank you.

Thomas Rickert: Thank you. And we will certainly also analyze whether staff or representatives of chartering organizations have expressed their view. But let's just capture what we have.

Okay. There has been the request to do the counter test. And do the exercise again for expressions of support. So we do it in the same order as we did for these polls.

So I would now like to ask for expressions of support for removing the language in red. So please clear your status. Please all clear your status. And please indicate now if you support to remove the language in red.

Tarak Kamel: Yes. Tarak again, Thomas, I support to remove the language in that. Thank you Thomas.

Thomas Rickert: Thank you. And staff...

Avri Doria: This is Avri. I also support.

Thomas Rickert: ...please take note of - Avri supports removing the language in red.

Cheryl Langdon-Orr: Kavouss has supported in chat. Just make sure we get that.

Kavouss Arasteh: Please put - okay. Thank you.

Thomas Rickert: Thanks Kavouss. So it's all of you that wanted to express their support for removing the language in red have done so, please clear your status now. And I'm now asking for support for shipping the report as it is in the version of February 19.

James Gannon: Hi Thomas. This is James. I'm on the sound bridge only. I support that too.

Thomas Rickert: So let us add James to the list of supporters for shipping the report. Anyone on the audio bridge that is in support of shipping the report on an as is basis...

Cheryl Langdon-Orr: Thomas, (unintelligible).

Alan Greenberg: Looks like Cherine has changed sides.

Cheryl Langdon-Orr: Yes. I'm confused. (Alan), I was going to bring up exactly that. Cherine has still got a green tic up for something we spoke - that he and the rest of the

Board agreed with the former vote, so I'm not sure that he is able to see he's voted or maybe he has changed opinion.

Milton Mueller: Well I guess it's (unintelligible) (party discipline), right (unintelligible).

Thomas Rickert: Milton, I couldn't understand...

Milton Mueller: ...this work ever.

Thomas Rickert: Milton, can you repeat that for me please?

Milton Mueller: I was actually just making a rather sarcastic comment about the courtesy of certain people to grab the mic without being recognized in order to enforce (party) discipline of certain members.

Thomas Rickert: Thank you Milton.

Alan Greenberg: Do recall we're dealing with Adobe Connect where people drop off and die regularly.

Cheryl Langdon-Orr: Alan, I'm happy to recognize you and I hope you recognize me. And yes, Adobe Connect frequently leaves (unintelligible) you've done before. That's how we end up with two people on when it (unintelligible) people on, et cetera.

((Crosstalk))

Cheryl Langdon-Orr: Well I - Milton, you can ignore us.

Thomas Rickert: Okay. So thanks all for that. We have four minutes to the top of the hour. We will certainly need to analyze this result to see where the objections and the support originated from.

We will announce the outcome and the way forward our determination on the list. And with that, I would like to hand it over to Leon Sanchez for closing remarks or any other business.

Leon Sanchez: Thank you very much Thomas. And we'll just have - this has been a very interesting exercise. As Thomas has highlighted, we will be providing the results and proposal forward on the list. And at this point I would like to call for any other business. And I see two hands up, Brett Schaefer and Kavouss. So Brett.

Brett Schaefer: Thank you Leon. Can you hear me?

Leon Sanchez: Yes. We do hear you.

Brett Schaefer: Okay. Thank you. I mentioned this in the chat but I want to make sure that it's highlighted here. I think it's important to clarify from the Board that whatever decision is made here today that this matter is not considered presidential in terms of what may happen if the GAC never decides to become a decisional participant and the thresholds need to be adjusted to reflect the fact that we only have four SOs and ACs.

And at that point I think it's important that the community not violate that principle of unanimity and allow for those thresholds to be lowered to three SO/AC approvals for exercise of all community powers against the Board.

And so I would request that you make a formal inquiry to the Board as to their position on this matter so that this particular case doesn't come back to haunt us for a matter that may arise later on down the road and that option remains open. Thank you very much.

Leon Sanchez: Thank you very much Brett. And I'm not sure if someone from the Board would like to address Brett's request. Maybe (Bruce) or someone else from the Board. Anyone from the Board that would like to answer to Brett's request or should we take this offline and just (unintelligible) Brett has made this request and we will see pending some kind of a reply from the Board. So next in queue, Kavouss.

Brett Schaefer: And if I could just add one small comment because...

Leon Sanchez: Yes Brett.

Brett Schaefer: ...I think that the - I think that the answer from the Board may actually have an impact on people's positions here because if this is presidential and if it will impact that decision later down the road, then it may cause people to reconsider their positions on this matter. Thank you.

Leon Sanchez: Thanks Brett. So next in queue is Kavouss and I'm sorry for interrupting.

Kavouss Arasteh: Yes. Thank you Leon. I don't think that the question has any legal validity. We are talking of GAC decisions. We cannot prejudge, we cannot preempt, we cannot do anything about that. The question is legally not valid. And I don't think that that should be. We should leave it to the GAC to decide.

We are not talking of exercising the power. We are talking of giving the right to exercise the power. Whether GAC use that exercise power, that is to be left to the GAC.

My question to you was that I raised my hand for the deletion of the red line on Number 2 and I couldn't make it possible. Could you please when you're analyzing I am in favor of deletion of two in red and the small edit. Thank you.

Leon Sanchez: Thank you Kavouss. Your suggestion has been noted and of course should to find a way forward would be deleting Number 2. Of course that proper edit should be (unintelligible). So next in the queue we have Andrew Sullivan. Andrew.

Andrew Sullivan: Thank you. I just had a - just sort of procedural question. I heard that the report back from the Chairs about the disposition of all of this was going to come on the list but I didn't hear an estimate of when. And since I know that (unintelligible) in the morning I'm going to have a lot of questions about how things went. It would be good if I could give people a sort of rough idea of when we will hear back.

Leon Sanchez: Thank you very much Andrew. And I can tell you that it will be shortly within the next hours. I cannot tell an exact timeframe but I can assure you that it will be as soon as possible. Next in the queue (Athina)...

Andrew Sullivan: Thank you.

Leon Sanchez: ...you're welcome Andrew. Next is (Athina).

Athina Fragkouli: Yes. Hello. Actually I'm covered by Andrew's question. And well, if we cannot come up to this conclusion now, so it would be appreciated if we can have it as soon as possible. Thank you very much.

Leon Sanchez: Thank you (Athina). And I note that Thomas has signaled in the chat box that this will be within the next ten hours. So should provide us a little bit more clear as to the timeframe. Finally we have Sebastien. Sebastien.

Sebastien Bachollet: Yes. Thank you. Just to be sure after the report will be shipped, the next action will be for the chartering organizations to take a stand on this report. Thank you.

Leon Sanchez: That is right. So it's after we ship this proposal then the chartering organizations (should) to express their views on this time report. So I see that Kavouss hand is still up. I'm not sure if that's an old hand. Kavouss.

Kavouss Arasteh: No, no. That's a old hand. Sorry.

Leon Sanchez: Thank you very much Kavouss. Okay. Well having no other business and no more people left on the queue, I would like to thank you everyone for attending this call. Thank you for the very fruitful discussion. And we'll talk to you soon. And this call is now adjourned. Thank you very much.

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